

EXHIBIT 2

Janczak, Elizabeth

From: Janczak, Elizabeth
Sent: Monday, September 25, 2023 2:26 PM
To: Abram Carls
Cc: DeRousse, Shelly
Subject: BDC/Rule 2004 Discovery
Attachments: Keystone Rider(43292228.1).docx; F&M Bank Rider(43293057.1).docx

Abe:

Following up on our discussion from last week, I'm writing to inquire on the status of the Rule 2004 discovery the Committee is seeking from Keystone and F&M. These riders were provided to you over a month ago and the Committee still has not gotten a commitment from Keystone as to timing and place of production or as to whether you are representing F&M Bank in connection with the requested documents.

I'm happy to have discussions regarding the scope of the production if there's an issue there, but need to close the loop on an agreed deadline for production. I propose a deadline of October 9, 2023 for Keystone (and F&M assuming you are representing them) to respond to the Rule 2004 discovery and produce responsive documents, which is fourteen days from today and six weeks after I sent my original e-mail with the riders.

Please let me know by noon this Thursday, September 28, 2023, whether this is agreeable. If we're not able to come to an agreement, I'll plan to move forward with a motion.

Best,
Liz

Elizabeth L. Janczak
Partner

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In re BDC Group Inc.
23-00484 (Bankr. N.D. Iowa)
Document Subpoena to Keystone Savings Bank

DOCUMENT RIDER

Pursuant to the accompanying Subpoena and the Definitions and Instructions at the end of this Document Rider, please produce the following documents on or before _____, 2023 at 5:00 p.m. Central Time to Smith, Gambrell & Russell, LLP c/o Elizabeth Janczak, 311 S. Wacker Dr. Suite 3000, Chicago, IL 60606:

1. For the period of June 1, 2019 through the Petition Date, all Documents relating to:
(i) signature cards, (ii) statements, and (iii) financial summaries of any and all debit cards or Bank Accounts or certificates of deposit in the name of BDC, or in which BDC had an interest, including without limitation account ending in 2452 and 2633.
2. For the period of June 1, 2019 through the Petition Date, all Documents relating to:
(i) checkbook registers, (ii) stubs, (iii) cancelled checks, (iv) deposit slips, (v) wire transfer confirmations, (vi) wire and ACH transfer advices and detail (sufficient to identify the beneficiary/recipient), and (vi) passbooks of any and all debit cards or Bank Accounts or certificates of deposit in the name of BDC, or in which BDC had an interest, including without limitation those relating to account ending in 2452 and 2633.
3. Documents reflecting the complete loan advance and payment history between Keystone and BDC relating to loan numbers 1234697402 and 2317107901 including, without limitation, ledgers and statements reflecting the dates and amounts of each advance made by Keystone to BDC and each payment made by BDC to Keystone.
4. For the period of February 1, 2023 through the present, Communications between You and BDC regarding BDC's pending projects, receivables, or billings to its customers.

5. For the period of February 1, 2023 through the present, Communications between and among Your employees, officers, or agents regarding BDC's pending projects, receivables, or billings to its customers.

6. For the period of February 1, 2023 through the present, Communications between You and BDC regarding BDC's payment of its suppliers, vendors, or subcontractors.

7. For the period of February 1, 2023 through the present, Communications between and among Your employees, officers, or agents regarding BDC's payment of its suppliers, vendors, or subcontractors.

8. For the period of February 1, 2023 through the present, Communications between You and BDC regarding BDC account ending 2661 with Keystone including, without limitation, the purpose and timing of opening such account.

9. For the period of February 1, 2023 through the present, Communications between and among Your employees, officers, or agents regarding BDC account ending 2661 with Keystone including, without limitation, the purpose and timing of opening such account.

DEFINITIONS

1. "*Keystone*" or "*You*" shall mean Keystone Savings Bank and includes any and all of its predecessors, predecessors in interest, successors, successors in interest, subsidiaries, divisions, joint ventures, affiliates and affiliated entities, as well as the officers, directors, agents, employees, representatives of the foregoing, and all persons acting on its/their behalf or under its/their control.

2. "*And*" shall mean and/or.

3. "*Any*" shall mean any and all.

4. “*Bank Account*” as used in these requests shall mean checking account(s), savings account(s) or any other depository arrangement(s) with a financial institution, savings association or credit union, whether registered in your name; your name and another or others; your name as trustee for another or others; another or others as trustee for you; and any partnership, trust or other entity in which you have or had an interest, or has or had authority to represent another in connection therewith.

5. “*BDC*” shall mean BDC Group Inc. and its agents, attorneys, officers, directors, members, representatives, predecessors, and successors.¹

6. “*Court*” shall mean the United States Bankruptcy Court for the Northern District of Iowa.

7. The term “*Document*” or “*Documents*” means every original (any copy of any original and any copy which differs in any way from any original, e.g., because handwritten or “blind” notes appear thereon or are attached thereto) of every writing and recording, computerized records, digital or electronically stored data, photographs, or other memorialization, of every kind or description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, magnetic, optical, electronic, or electrical means whatsoever, and shall include, by way of illustration only and not by way of limitation, notes, correspondence, communications of any nature, telegrams, memoranda, advertisements, books, records, analyses, notebooks, blueprints, maps, surveys, graphs, charts, plans, summaries or records or transcriptions of personal conversations or statements however made, business forms, labels, appointment books, diaries, routing slips, reports, publications, photographs, films, minutes and other formal or informal

¹ BDC’s federal employer identification number is 47-2908533

memoranda of meetings, transcripts or oral testimony or statements, reports and/or summaries of interviews, negotiations or investigations, agreements and contracts, including all modifications and/or revisions thereof, papers and forms filed with courts or other governmental bodies, notices, messages, calendar entries, brochures, pamphlets, press releases, drafts, revisions of drafts and translations of any documents, tape recordings, audio recordings, video recordings, records and dictation belts to which you or your company now has or has had access to in the past. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Rider.

8. “*Person*” or “*Persons*” shall mean any and all entities, as well as natural persons, and, without limitation, shall be defined to include natural persons, corporations, partnerships, joint owners, associations, companies, joint ventures, firms, proprietorships, and any other legal entity.

9. “*Petition Date*” means June 13, 2023.

10. “*Regarding*” and “*relating to*” means concerning, constituting, analyzing, supporting, reflecting, describing, discussing, summarizing, referring to, reporting on, commenting on, inquiring about, setting forth, explaining, considering, pertaining to, mentioning, or alluding to, in whole or in part.

11. “*Related to*” or “*Relates to*” means: consisting of, referred to, reflected by or in any way logically or factually connected with the matters discussed, directly or indirectly.

12. “*Refer*,” “*Relate*,” “*Reflect*,” “*Regard*,” “*Refer to*,” “*Relate to*,” “*Relating to*,” and “*Concerning*” (or forms thereof) shall mean directly or indirectly, in whole or in part, referring to,

relating to, connected with, commenting upon, relevant to, impinging or impacting upon, affecting, responding to, showing, describing, representing, supporting, contradicting, stating, mentioning, showing, evaluating, recording, noting, analyzing, reflecting, or constituting.

INSTRUCTIONS

1. In responding to these requests, You shall furnish all Documents described below that are in Your possession, custody or control at the time of production, including Documents in the possession, custody or control of Your agents and representatives. Your agents and representatives include, but are not limited to, any officials, officers, directors, employees, attorneys, accountants, consultants, financial advisors, governmental advisors, regulatory advisors, investigators or brokers to whom You have provided Documents. You shall furnish all Documents described above that have been provided to You by any persons (including governmental agencies) who are obligated to give you access to, who have given You access to, or who have agreed to give You access to, Documents or information, upon Your request, whether or not any such access to Documents or information has, as yet, been given.

2. Except where otherwise indicated, these requests cover the period from **June 1, 2019** through the **Petition Date**, and request the production of all Documents prepared, sent or received, in whole or in part, during such period, and of all Documents, whenever prepared, which relate to any part of such period.

3. If You refuse to answer or provide Documents in response to any request, in whole or in part, under a claim of privilege, you should answer the request to the fullest extent possible and, with respect to any Documents withheld under a claim of privilege, the Federal Rules of Bankruptcy Procedure require you to: (i) describe the nature and basis of the claimed privilege; (ii) name the person or entity claiming the privilege; and (iii) describe the Documents withheld

under the claim of privilege with sufficient particularity to allow the party issuing this Subpoena and the Court to assess whether such privilege claim is appropriate.

4. You should produce all Documents in their native form. By way of example, when you produce a Microsoft Excel spreadsheet you should produce that spreadsheet in unaltered electronic form with the file extension “.xls”.

5. If You have knowledge of any Document called for by these requests that was, but is no longer, in Your possession, custody, or control, please identify each such Document or other material and state the circumstances under which You lost or relinquished possession, custody, or control of the Document.

6. Whenever appropriate, the singular form of a word should be interpreted in the plural and vice versa to bring within the scope of the request any information which otherwise might be construed to be outside the scope. All words and phrases shall be construed as masculine, feminine, or gender neutral, according to context and to bring within the scope of the request any information which otherwise might be construed to be outside the scope.

7. These requests are continuing in nature and require You to timely file supplemental responses if additional or different information is obtained. You should include in any supplemental response the date and manner in which the additional or different information became known.

In re BDC Group Inc.
23-00484 (Bankr. N.D. Iowa)
Document Subpoena to Farmers & Merchants Savings Bank

DOCUMENT RIDER

Pursuant to the accompanying Subpoena and the Definitions and Instructions at the end of this Document Rider, please produce the following documents on or before _____, 2023 at 5:00 p.m. Central Time to Smith, Gambrell & Russell, LLP c/o Elizabeth Janczak, 311 S. Wacker Dr. Suite 3000, Chicago, IL 60606:

1. For the period of June 1, 2019 through the Petition Date, all Documents relating to:
(i) signature cards, (ii) statements, and (iii) financial summaries of any and all Bank Accounts or certificates of deposit in the name of BDC, or in which BDC had an interest, including without limitation account ending 4531.
2. For the period of June 1, 2019 through the Petition Date, all Documents relating to:
(i) checkbook registers, (ii) stubs, (iii) cancelled checks, (iv) deposit slips, (v) wire transfer confirmations, (vi) wire and ACH transfer advices and detail (sufficient to identify the beneficiary/recipient), and (vi) passbooks of any and all Bank Accounts or certificates of deposit in the name of BDC, or in which BDC had an interest, including without limitation those relating to account ending in 4531.

DEFINITIONS

1. “*You*” shall mean Farmers & Merchants Savings Bank and includes any and all of its predecessors, predecessors in interest, successors, successors in interest, subsidiaries, divisions, joint ventures, affiliates and affiliated entities, as well as the officers, directors, agents, employees, representatives of the foregoing, and all persons acting on its/their behalf or under its/their control.
2. “*And*” shall mean and/or.
3. “*Any*” shall mean any and all.

4. “*Bank Account*” as used in these requests shall mean checking account(s), savings account(s) or any other depository arrangement(s) with a financial institution, savings association or credit union, whether registered in your name; your name and another or others; your name as trustee for another or others; another or others as trustee for you; and any partnership, trust or other entity in which you have or had an interest, or has or had authority to represent another in connection therewith.

5. “*BDC*” shall mean BDC Group Inc. and its agents, attorneys, officers, directors, members, representatives, predecessors, and successors.¹

6. “*Court*” shall mean the United States Bankruptcy Court for the Northern District of Iowa.

7. The term “*Document*” or “*Documents*” means every original (any copy of any original and any copy which differs in any way from any original, e.g., because handwritten or “blind” notes appear thereon or are attached thereto) of every writing and recording, computerized records, digital or electronically stored data, photographs, or other memorialization, of every kind or description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, magnetic, optical, electronic, or electrical means whatsoever, and shall include, by way of illustration only and not by way of limitation, notes, correspondence, communications of any nature, telegrams, memoranda, advertisements, books, records, analyses, notebooks, blueprints, maps, surveys, graphs, charts, plans, summaries or records or transcriptions of personal conversations or statements however made, business forms, labels, appointment books, diaries, routing slips, reports, publications, photographs, films, minutes and other formal or informal

¹ BDC’s federal employer identification number is 47-2908533

memoranda of meetings, transcripts or oral testimony or statements, reports and/or summaries of interviews, negotiations or investigations, agreements and contracts, including all modifications and/or revisions thereof, papers and forms filed with courts or other governmental bodies, notices, messages, calendar entries, brochures, pamphlets, press releases, drafts, revisions of drafts and translations of any documents, tape recordings, audio recordings, video recordings, records and dictation belts to which you or your company now has or has had access to in the past. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Rider.

8. “*Person*” or “*Persons*” shall mean any and all entities, as well as natural persons, and, without limitation, shall be defined to include natural persons, corporations, partnerships, joint owners, associations, companies, joint ventures, firms, proprietorships, and any other legal entity.

9. “*Petition Date*” means June 13, 2023.

10. “*Regarding*” and “*relating to*” means concerning, constituting, analyzing, supporting, reflecting, describing, discussing, summarizing, referring to, reporting on, commenting on, inquiring about, setting forth, explaining, considering, pertaining to, mentioning, or alluding to, in whole or in part.

11. “*Related to*” or “*Relates to*” means: consisting of, referred to, reflected by or in any way logically or factually connected with the matters discussed, directly or indirectly.

12. “*Refer*,” “*Relate*,” “*Reflect*,” “*Regard*,” “*Refer to*,” “*Relate to*,” “*Relating to*,” and “*Concerning*” (or forms thereof) shall mean directly or indirectly, in whole or in part, referring to,

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INSTRUCTIONS

1. In responding to these requests, You shall furnish all Documents described below that are in Your possession, custody or control at the time of production, including Documents in the possession, custody or control of Your agents and representatives. Your agents and representatives include, but are not limited to, any officials, officers, directors, employees, attorneys, accountants, consultants, financial advisors, governmental advisors, regulatory advisors, investigators or brokers to whom You have provided Documents. You shall furnish all Documents described above that have been provided to You by any persons (including governmental agencies) who are obligated to give you access to, who have given You access to, or who have agreed to give You access to, Documents or information, upon Your request, whether or not any such access to Documents or information has, as yet, been given.

2. Except where otherwise indicated, these requests cover the period from **June 1, 2019** through the **Petition Date**, and request the production of all Documents prepared, sent or received, in whole or in part, during such period, and of all Documents, whenever prepared, which relate to any part of such period.

3. If You refuse to answer or provide Documents in response to any request, in whole or in part, under a claim of privilege, you should answer the request to the fullest extent possible and, with respect to any Documents withheld under a claim of privilege, the Federal Rules of Bankruptcy Procedure require you to: (i) describe the nature and basis of the claimed privilege; (ii) name the person or entity claiming the privilege; and (iii) describe the Documents withheld

under the claim of privilege with sufficient particularity to allow the party issuing this Subpoena and the Court to assess whether such privilege claim is appropriate.

4. You should produce all Documents in their native form. By way of example, when you produce a Microsoft Excel spreadsheet you should produce that spreadsheet in unaltered electronic form with the file extension “.xls”.

5. If You have knowledge of any Document called for by these requests that was, but is no longer, in Your possession, custody, or control, please identify each such Document or other material and state the circumstances under which You lost or relinquished possession, custody, or control of the Document.

6. Whenever appropriate, the singular form of a word should be interpreted in the plural and vice versa to bring within the scope of the request any information which otherwise might be construed to be outside the scope. All words and phrases shall be construed as masculine, feminine, or gender neutral, according to context and to bring within the scope of the request any information which otherwise might be construed to be outside the scope.

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